

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ELITE PHYSICIAN SERVICES, LLC,)
)
Plaintiff,) No. 1:05-cv-344
)
v.) <i>Collier/Carter</i>
)
CITICORP PAYMENT SERVICES, INC.,)
)
Defendant.)

MOTION TO TRANSFER VENUE

Defendant Citicorp Payment Services, Inc., through counsel, respectfully moves the Court pursuant to 28 U.S.C. § 1404(a) to transfer the venue of this matter to the United States District Court for the Southern District of New York. The agreement upon which Plaintiff's claim is based contains a mandatory forum selection clause requiring any dispute arising out of or related to the agreement be litigated exclusively in a state or federal court in the Boroughs of Manhattan in New York, New York.

In support of its motion, Defendant submits its Memorandum in Support of Motion to Transfer Venue, filed simultaneously herewith.

Defendant respectfully requests that the Court grant its Motion to Transfer Venue and award such other and further relief to Defendants as the Court deems just and proper.

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

By: s/ Joshua A. Powers

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Attorneys for Defendant, Citicorp Payment Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2006, a copy of the foregoing Motion to Transfer Venue was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail and Certified Mail, Return Receipt Requested. Parties may access this filing through the Court's electronic filing system.

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s/ Joshua A. Powers